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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,629	03/19/2004	Derrick W. Lucey	19226/2291 (R-5824, 7869 R-587	
75	90 06/28/2006		EXAMINER	
Candice J. Clement			NAZARIO GONZALEZ, PORFIRIO	
Nixon Peabody	LLP			
Clinton Square			ART UNIT	PAPER NUMBER
P.O. Box 31051			1621	
Rochester, NY 14603-1051			DATE MAILED: 06/28/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Summany	10/804,629	LUCEY ET AL.					
Office Action Summary	Examiner	Art Unit					
	Porfirio Nazario-Gonzalez	1621					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	dress				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on							
	action is non-final.						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) <u>1-36</u> is/are pending in the application.)⊠ Claim(s) <u>1-36</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-36</u> is/are rejected.							
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
<u> </u>	1. Certified copies of the priority documents have been received.						
<u> </u>	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
des the attached detailed office action for a list of the certified copies flot received.							
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary (
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Dai 5) Notice of Informal Pa)-152)				
Paper No(s)/Mail Date	6) Other:						

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The moieties -(C(CH₂)₂)_mCH₃, (C(CH₂)₂)_m(CH₂)_zCH₃, and -(CH₂)_m(C(CH₂)₂)_zCH₃ appear to be incorrect. Please note that the group "C(CH₂)₂" is missing a hydrogen atom unless the group is a cyclic group. However, the specification does not appear to support a cyclic group and thus it appears to be an acyclic group in which two methyl groups (CH₃) are bonded to the carbon atom.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,505,928, cited by Applicants. The '928 patent discloses a process of making III-V nanocrystals by reacting a Group III salt with a trialkylsilyl Group V compound. The '928 patent particularly discloses the reaction of GaCl₃ and As[Si(CH₃)₃]₃ using quinoline as a solvent and a crystal growth terminator.

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See Example 1. Further, the '928 patent teaches the use of alkane or aromatics as liquid reaction medium. See column 4, lines 2-14.

Claims 9, 11, 15, 16, 22, 23, 25, and 29 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Haubold et al., Chem. Phys. Chem., 5:331-334 (2001), cited by Applicants. The Haubold et al. article discloses the formation of a ZnS-coated InP nanocrystals. InP nanocrystals are synthesized by the dehalosylilation reaction between (TMS)₃P and InCl₃. The InP nanocystal are redissolved in toluene. TOP (trioctylphosphane) was added and the toluene was removed to make a stock solution of the InP nanocrystals. ZnEt₂ and (TMS)₃S were added to the stock solution. After heating and cooling the solution, the nanocrystal are precipitated and separated from solution. See experimental section on page 334.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Porfirio Nazario-Gonzalez whose telephone number is 571-272-0641. The examiner can normally be reached on Mon.-Fri. (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Poffirio Nazarlo-Gonzalez, Primary Patent Examiner

PNG June 23, 2006